UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/644,276	RAO ET AL.
	Examiner	Art Unit	
	Djenane M. Bayard	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,9-15 and 19-21* is/are rejected.

7) ☒ Claim(s) *17 and 18* is/are objected to.

8) ☒ Claim(s) *2-8, 16 and 22-23* are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 17-18 are objected to under 37 CFR 1.75(c) as being in improper form because a

multiple dependent claim should refer to other claims in the alternative only. See MPEP

§ 608.01(n). Accordingly, the claims 17-18 have not been further treated on the merits.

Election/Restrictions

2.   Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not

so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a

single invention to which the claims must be restricted.

Group I, claim(s) 1, 9-16 and 19-21, drawn to plurality of personality profiles.

Group II, claim(s) 2-6 and claims 22-23, drawn to associating device profile, personality
profile and user id.

Group III, claim(s) 7, drawn to altering website and web pages to conform to the user's
personality.

Group IV, claim(s) 8, drawn to configuring robots.

Group V, claim 16, drawn to a matching system.

Inventions I, II, III, IV and V are unrelated. Inventions are unrelated if it can be shown that they

are not disclosed as capable of use together and they have different designs, modes of operation,

and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are

drawn to different subject matter.

The inventions are distinct, each from the other because of the following reasons:

1.   Group I, claim(s) 1, 9-15 and 19-21, drawn to a matching system and a plurality of

personality profiles.

2.   Group II, claim(s) 2-6 and claims 22-23, drawn to associating device profile, personality

profile and user id.

3.   Group III, claim(s) 7, drawn to altering website and web pages to conform to the user's

personality.

4.   Group IV, claim(s) 8, drawn to configuring robots.

5.   Group V, claim(s) 16, drawn to configuring a plurality of personality profiles.

Because these inventions are independent or distinct for the reasons given above and

there would be a serious burden on the examiner if restriction is not required because the

inventions require a different field of search (see MPEP § 808.02), restriction for examination

purposes as indicated is proper.

During a telephone conversation with Rick Gregory on 6/4/07 a provisional election was

made without traverse to prosecute the invention of Group I, claims 1, 9-15 and 19-21.

Affirmation of this election must be made by applicant in replying to this Office action. Claims

2-8, 16 and 22-23 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b),

as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claims 1, 9, 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim1 recites the limitation " the individual communication device user" in line 7.There

is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation " the products and services" in line 4. There is insufficient

antecedent basis for this limitation in the claim.

Claim 11 recites the limitation " the database" in line 3. There is insufficient antecedent

basis for this limitation in the claim.

Claim 11 recites the limitation " the lookup table" in line 10. There is insufficient

antecedent basis for this limitation in the claim.

Claim 12 recites the limitation " one user " in line 2. There is insufficient antecedent

basis for this limitation in the claim.

Claim 12 recites the limitation " the other user" in line 2. There is insufficient antecedent

basis for this limitation in the claim.

Claim 12 recites the limitation " the database and lookup tables" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation " the rule or rule sets" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation " the user" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation " the desired state" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation " the Tag" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation " the user, websites, webpages, products, services and robots" in lines 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the claim fails to define the patentable subject matter with a reasonable degree of particularity and distinctness. Furthermore, claim 14 fails to specify how the Tag and the states are associated with personality profiles since they were already associated with the personality profile in previous limitations. Clarification is respectfully requested.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1, 9, 11, 13-14, 20 and 21 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Patent Application No. 2003/0014373 to Perge et al.

a.   As per claim 1, Perge et al teaches a method for matching business partners.

Furthermore, Perge et al teaches a matching network system comprising communication devices,

local and or network servers (See page 3, paragraph [0025]), means for communication by wired

or wireless methods means for communication by stationary and or mobile devices (See page 3,

paragraph [0026], *wireless device*), means for communication between the communication

devices and the local and or network servers (See page 3, paragraph [0025-0026]), means for the

individual communication device user to maintain a plurality of private/public personality

profiles, states and behavior models (See page 3, paragraph [0028], *private presenter data and*

public presenter data, page 4, paragraph [0042]) , means for forming one or more groups

comprising of individuals based on personality profiles (See page 5, paragraph [0054])

means for the group to maintain a plurality of private/public personality profiles, states and

behavior models (See page 3, paragraph [0028] and page 4, paragraph [0041-0042]), means for

communication between individuals based on selected personality profiles (See page 5,

paragraph [0054]), means for communication between the individuals and groups based on

personality profiles (See page 3, paragraph [0030] and page 4, paragraph [0044]), means for

information acquirement based on personality profiles, means for transactions based on

individual and or group personality profiles (See page 4, paragraph [0035-0037).

b.   As per claim 9, Perge et al teaches a method for matching business partners.

Furthermore, Perge et al teaches a matching network system comprising a communication

device, local and or network servers (See page 3, paragraph [0025]), wired or wireless

communication means (See page 3, paragraph [0026]), means for the products and services to be

characterized by plurality of personality profiles, states and behavior models (See page 3,

paragraph [0028] and page 4, paragraph [0041-0042]), means for the matching of product/service

personality (See page 3, paragraph [0028]) means for configuration and selection of

products/services by personality profiles, means for selection of products/services and commerce

transactions (See page 4, paragraph [0035]).

c.   As per claim 11, Perge et al teaches the claimed invention as described above.

Furthermore, Perge et al teaches a matching network comprising means for the user to create

questions in one or more categories (See page 3, paragraph [0030]), means for maintaining said

questions in the database, means for answering said questions and maintaining the answers in the

database (See page 3, paragraph [0030-0032]), means for associating the questions and the

answers, means for the user to assign weights to the question, answer and or question-answer

pairs (See page 3, paragraph [0030]), means for using the questions and the answers to generate

one or more weighted private and public personality profiles for the user (See page ,

means for the user to be characterized by one or more weighted private and public personality

profiles, means for maintaining the private and public personality profiles in the database and the

lookup tables, means for associating the personality profiles with one or more behavior models

of the user (See page 3, paragraph [0028] and page 4, paragraph [0041-0042]).

d.   As per claim 13, Perge et al teaches the claimed invention as described above.

Furthermore, Perge et al teaches means for characterizing the user with a plurality of private and

public personality profiles, means for the user to select from a plurality of private and public

personality profiles for one or more types of communication, means for the utilization of said

personality profiles for communication between one or more users, said users having matched or

unmatched personality profiles (See page 7, paragraph [0063]).

e.   As per claim 14, Perge et al teaches the claimed invention as defined above.

Furthermore, Perge et al teaches means for associating a personality TAG with the personality

profile, means for associating a plurality of states with the personality profile, means for holding

the desired state for a finite period of timemeans for altering the state and holding a different

state, means for associating the Tag and the states with personality profiles of the user, websites,

web pages products, services and the robots (See page 4, paragraph [0044] and page 5, paragraph

[0054]).

f.   As per claim 20, Perge et al teaches the claimed invention as defined above.

Furthermore, Perge et al teaches a matching network system comprising, means for establishing

groups with personality profiles and behavior models, means for establishing and implementing

the rules via the rules processor, means for negotiation between two or more groups to establish

a group to group relationship, means for matching of the groups and collaboration, means for

managing the groups by means of the communication device itself and or the local or network

server and the management software resident on them (See page 4, paragraph [0034] and [0042])

g.   As per claim 21, Perge et al teaches the claimed invention as described above.

Furthermore, Perge et al teaches means for forming super groups consisting of one or more

groups and individuals, means for defining the super group personality profiles,

means for negotiation with a plurality of groups to join the super group, means for administering

the super group, means for utilizing the communication device and or the local or network

servers and the software resident on them, means for mining relationships of groups and

members based on user defined permissions (See page 3, paragraph [0028] and page 4,

paragraph [0034], [0042]).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0014373 to Perge et al in view of U.S. Patent Application No. 2002/0194334 to Focant et al.

a.   As per claim 10, Perge et al teaches the claimed invention as described above. However, Perge et al fails to teaches means for configuring product/service with RF tags, means for coding the RF tag with product/service personality profiles, means for communicating with the RF tag by means of the communication device, means for selection of the product/service by means of the communication device, means for transaction by means of the communication device.

Focant et al teaches means for configuring product/service with RF tags, means for coding the RF tag with product/service personality profiles, means for communicating with the RF tag by means of the communication device, means for selection of the product/service by

means of the communication device, means for transaction by means of the communication

device (See pages 1 and 2, paragraph [0016]).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the teaching of Focant in the claimed invention of Perge et al to provide

several users using the same processor system his own preferences (See page 1, paragraph

[0016]).

9.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

Application No. 2003/0014373 to Perge et al in view of U.S. Patent Application No.

2002/0040310 to Lieben et al.

a.   As per claim 12, Perge et al teaches the claimed invention as described above. However,

Perge et al fails to teach means for one user to query the other user with questions in one or more

categories means for each user to associate the questions of one user with the answers of the

other user, means for assigning weights to the question answer pairs, means for maintaining said

question and answers in the database and lookup tables, means for each user to define the rules

or rule sets for each personality profile, means for enabling the personality of profile of the user

to be checked to conform to the rules, means for ensuring that the interactions between the users

conform to the rules set by each user, means for developing and enabling the behavior model for

each user, means for enabling interaction between users utilizing the user selected personality

profiles.

Lieben et al teaches means for one user to query the other user with questions in one or

more categories means for each user to associate the questions of one user with the answers of

the other user, means for assigning weights to the question answer pairs, means for maintaining

said question and answers in the database and lookup tables, means for each user to define the

rules or rule sets for each personality profile, means for enabling the personality of profile of the

user to be checked to conform to the rules, means for ensuring that the interactions between the

users conform to the rules set by each user, means for developing and enabling the behavior

model for each user, means for enabling interaction between users utilizing the user selected

personality profiles (See page 2, paragraph [0030-0038] and page 3, paragraph [0039-0044]).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the teaching of Lieben et al in the claimed invention of Perge et al in

order to observe the selection and/or rejection behavior of the participants of an Internet dating

service and utilize the information to calculate compatibility scores (See page 1, paragraph

[0016]).

10.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

Application No. 2003/0014373 to Perge et al in view of U.S. Patent Application No.

2003/0217106 to Adar et al.

a.   As per claim 15, Perge et al teaches the claimed invention as described above. However,

Perge et al fails to teach means for the personality profile to be constructed/deconstructed into a

plurality of personality profile components, means for maintaining said personality profile

components on the communication device, the local server and or the network servers,

means for recompiling the personality profile dynamically for use on the communication device,

means for encrypting the personality profile components and the personality profile, means for

selecting and using the personality profile in communication and transactions.

Adar et al teaches means for the personality profile to be constructed/deconstructed into a

plurality of personality profile components, means for maintaining said personality profile

components on the communication device, the local server and or the network servers,

means for recompiling the personality profile dynamically for use on the communication device,

means for encrypting the personality profile components and the personality profile, means for

selecting and using the personality profile in communication and transactions (See page 3,

paragraph [0036] and paragraph [0046]).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the teaching of Adar et al in the claimed invention of Perge et al in

order to relieve the user from the task of having to manually build their own profile and to

maximize user's privacy (See page 3, paragraph [0036 and paragraph [0046]).

11.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

Application No. 2003/0014373 to Perge et al in view of U.S. Patent No. 7,069308 to Abrams.

a.   As per claim 19, Perge et al teaches the claimed invention as described above.

Furthermore. Perge et al teaches means for the individual to form a personal matching network

consisting of a plurality of other individuals of same or different personality profiles,

means for creating a personal matching network consisting of the group of matched individuals

and the group of unmatched individuals, means for inviting other individuals to join the user's

personal matching network, means for negotiation of admission and denial of admission,

means for forming subnets consisting of one or more individuals for specific purposes, means for

inclusion of one or more groups that the user is a member of in the personal matching network of

the user, means for setting permissions to enable or disable relationship mining by other

individuals or groups, means for masking the users membership in the groups or other personal

matching networks, means for managing the personal matching network by means of the

software resident on the communication device itself and or the local or network servers.

Abrams teaches means for the individual to form a personal matching network consisting

of a plurality of other individuals of same or different personality profiles,

means for creating a personal matching network consisting of the group of matched individuals

and the group of unmatched individuals, means for inviting other individuals to join the user's

personal matching network, means for negotiation of admission and denial of admission,

means for forming subnets consisting of one or more individuals for specific purposes, means for

inclusion of one or more groups that the user is a member of in the personal matching network of

the user, means for setting permissions to enable or disable relationship mining by other

individuals or groups, means for masking the users membership in the groups or other personal

matching networks, means for managing the personal matching network by means of the

software resident on the communication device itself and or the local or network servers (See

col. 15, lines 3-34).

It would have been obvious to one with ordinary skill in the art incorporate the teaching

of Abrams in the claimed invention of Perge et al in order to connect people via an online

database and calculate, display and allow searching of social networks (See col. 4, lines 61-65).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878.

The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner

RUPAL DHARIA
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